

SIMPSON THACHER & BARTLETT LLP
Harrison J. Frahn IV (CA Bar No. 206822)
hfrahn@stblaw.com
2475 Hanover Street
Palo Alto, California 94304
Telephone: (650) 251-5000
Facsimile: (650) 251-5002

SIMPSON THACHER & BARTLETT LLP
Peter C. Thomas (*pro hac vice*)
pthomas@stblaw.com
Janet M. Whittaker (*pro hac vice*)
janet.whittaker@stblaw.com
900 G Street, N.W.
Washington, D.C. 20001
Telephone: (202) 636-5500
Facsimile: (202) 636-5502

Attorneys for Petitioner Apple Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

APPLE INC.,

Petitioner,

vs.

BYD PRECISION MANUFACTURING CO.,
LTD. AND BYD COMPANY LIMITED,

Respondents.

Case No. 3:15-cv-04985-RS

**JOINT STIPULATION TO CONTINUE
HEARING ON APPLE'S MOTION TO
COMPEL ARBITRATION AND FOR
PRELIMINARY INJUNCTION AND
BYD COMPANY LIMITED'S MOTION
TO DISMISS FOR LACK OF
PERSONAL JURISDICTION; and**

~~PROPOSED~~ ORDER

Hon. Richard Seeborg
Courtroom: 3, 17th Floor

1 Petitioner Apple Inc. (“Apple”) and Respondents BYD Precision Manufacturing Co., Ltd.
2 (“Precision”) and BYD Company Limited (“Limited” and, together with Precision,
3 “Respondents”) jointly stipulate, pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, to continue
4 the hearing on Apple’s Motion to Compel Arbitration and for Preliminary Injunction (Dkt. 3)
5 (the “MTCA”) and Limited’s Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. 34) (the
6 “MTD”), currently set for January 28, 2016.

7 WHEREAS, on November 16, 2015, Apple filed a motion with this Court to (1) extend
8 the deadline for any opposition to the MTCA from November 17, 2015 to November 24, 2015,
9 and (2) extend the deadline for any reply in support of the MTCA from November 24, 2015 to
10 December 1, 2015 (Dkt. 24);

11 WHEREAS, this Court granted Apple’s motion to extend time, and rescheduled the
12 hearing on the MTCA for December 17, 2015 (Dkt. 25);

13 WHEREAS, on November 23, 2015, Apple and Respondents filed a joint stipulation with
14 this Court to (1) extend the deadline for any opposition to the MTCA from November 24, 2015
15 to December 8, 2015, (2) extend the deadline for any response to Apple’s Petition for Order
16 Compelling Arbitration and for Injunctive Relief Pending Arbitration from November 24, 2015
17 to December 8, 2015, (3) extend the deadline for any reply in support of the MTCA from
18 December 1, 2015 to December 22, 2015, and (4) continue the hearing on the MTCA from
19 December 17, 2015 to January 14, 2016 (Dkt. 26);

20 WHEREAS, this Court granted the parties’ November 23, 2015 joint stipulation to extend
21 time without revision (Dkt. 27);

22 WHEREAS, on December 21, 2015 Apple and Respondents filed a joint stipulation with
23 this Court to (1) extend the deadline for any reply in support of the MTCA from December 22,
24 2015 to January 4, 2016, (2) extend the deadline for any opposition to the MTD from December
25 22, 2015 to January 4, 2016, (3) extend the deadline for any reply in support of the MTD from
26 December 29, 2015 to January 14, 2016, and (4) continue the hearing on the MTCA and MTD
27 from January 14, 2016 to January 28, 2016 (Dkt. 39);
28

WHEREAS, this Court granted the parties' December 21, 2015 joint stipulation to extend time without revision (Dkt. 41);

WHEREAS, Apple's lead trial counsel must travel from Washington, D.C. to San Francisco for the Court's upcoming hearing and the recent major East Coast blizzard will make such travel extremely difficult this week;

WHEREAS, the presence of Super Bowl 50 in the San Francisco Bay Area will also make such travel inconvenient the following week; and

WHEREAS, all parties reserve fully their prior positions in this proceeding;

Now therefore, the parties, through the undersigned counsel, hereby stipulate that the hearing on the MTCA and MTD be continued to February 11, 2016 or as soon thereafter as may be convenient to the Court.

The parties' proposed time modification would impact the deadlines in this case as follows:

Deadline	Current Date	Requested Date
Hearing on the MTCA and MTD	01/28/2016	02/11/2016

Dated: January 25, 2016

SIMPSON THACHER & BARTLETT LLP

By: /s/ Harrison J. Frahn IV
Harrison J. Frahn IV

Attorneys for Petitioner Apple Inc.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ Lance A. Etcheverry
Lance A. Etcheverry

Attorneys for Respondents BYD Company Limited and BYD Precision Manufacturing Co., Ltd.

1 Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this
2 document has been obtained from the signatories above.

3 /s/ Harrison J. Frahn IV
4 Harrison J. Frahn IV
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~[PROPOSED]~~ ORDER

PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES, IT IS
ORDERED THAT:

- the hearing on Apple's Motion to Compel Arbitration and for Preliminary Injunction and BYD Company Limited's Motion to Dismiss for Lack of Personal Jurisdiction be continued from January 28, 2016 to February 11, 2016.

DATED: 1/25, 2016



The Honorable Richard Seeborg
United States District Court Judge